

FILED
U.S. DISTRICT COURT
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DISTRICT OF UTAH
BY: DEPUTY CLERK

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

STATE OF UTAH, CAMILLE
ANTHONY, in her official capacity as
Executive Director of the Utah Department
of Administrative Services, and GWEN
ANDERSON, in her official capacity as
Director of the Office of State Debt
Collection,

Appellants/Plaintiffs,

vs.

JASON DEREK TROFF, an individual,

Appellee/Defendant.

Bankruptcy Case No. 03-21840
Adversary Proceeding No. 04-02491

District Case No. 2:05cv382 BSJ

Judge Bruce S. Jenkins

SUPPLEMENT TO APPELLANTS' BRIEF

At the Court's request and with no objection from the Appellee, the State of Utah

submits by attaching hereto a certified copy of the Judgement, Sentence (Commitment) entered against Appellee on August 25, 1997 by the Honorable Tyrone E. Medley, District Judge of the Third Judicial District for Salt Lake County, State of Utah.

Dated this 6th day of June, 2005.

MARK L. SHURTLEFF
Utah Attorney General



KEVIN V. OLSEN
Assistant Attorney General
Attorneys for Defendants/Appellants

MAILING CERTIFICATE

I hereby certify that on the 6th day of June, 2005, a true and correct copy of the foregoing Supplement to Appellants' Brief with attachment was hand-delivered to:

R. Mont McDowell
Michael F. Thomson
McDOWELL & GILLMAN, P.C.
Twelfth Floor
50 West Broadway
Salt Lake City, Utah 84101



THE STATE OF UTAH

Plaintiff,
vs.
TROFF, JASON DEREK
(Diagnostic Unit U.S.P.)
Defendant.

JUDGEMENT, SENTENCE
(COMMITMENT)

971900425

Case No.
Court No.
Honorable
Clerk
Reporter
Bailiff
Date

Tyrone E. Medley
Susan Hensley
Dorothy Tripp
Gus Chin
August 25, 1997

The motion of _____ to enter a judgement of conviction for the next lower category of offense and impose sentence accordingly in granted denied. There being no legal or other reason why sentence should not be imposed, and defendant having been convicted by a jury; the court, plea of guilty; plea of no contest; of the offense of **criminal offenses - arson**, a felony of the **2nd** degree, a class _____ misdemeanor, being now present in court and ready for sentence and represented by **D. Maddox**, and the State being represented by **E. Jones**, now adjudged guilty of the above offense, is now sentenced to a term in the Utah State Prison.

to a maximum mandatory term of _____ years and which may be life;
 not to exceed five years;
 of not less than one year nor more than fifteen years;
 of not less than five years and which may be for life;
 not to exceed _____ years;
 and ordered to pay a fine in the amount of \$ _____;
 and ordered to pay restitution in the amount of \$ _____ to **\$239,969 to be paid jointly and severally**
 such sentence is to run concurrently with _____;
 such sentence is to run consecutively with _____;
 upon motion of State, Defense, Court, Court(s) _____ are hereby dismissed.
 Defendant is granted a stay of above (prison) sentence and placed on probation in the custody of this Court and under the supervision of the Chief Agent, Utah State Department of Adult Parole for the period of **36 months**, pursuant to the attached conditions of probation.
 Defendant is remanded into the custody of the Sheriff of Salt Lake County for delivery to the Utah State Prison, Draper, Utah, or for delivery to the Salt Lake County Jail, where defendant shall be confined and imprisoned in accordance with this Judgment and Commitment.
 Commitment shall issue

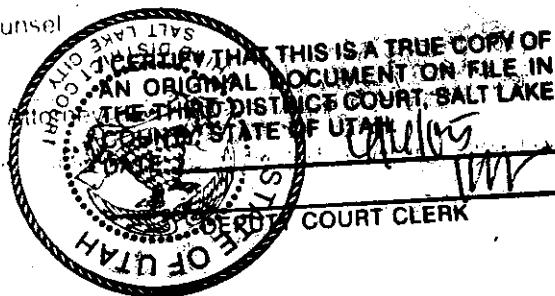
DATED this 25 day of August 1997

Tyrone E. Medley
DISTRICT COURT JUDGE

APPROVED AS TO FORM

Defense Counsel

Deputy County Attorney



Judgment State v

TROFF, JASON DEREK

971900425

CR

Honorable

Tyrone E. Medley

CONDITIONS OF PROBATION

(1) Usual and ordinary conditions required by the Dept. of Adult Probation & Parole

Serve **one year - to be given no credit for time served**

in the Salt Lake County Jail commencing

Pay a fine in the amount of \$ **239,969** at a rate to be determined by the Department of Adult Probation and Parole; or at the rate of

Pay restitution in the amount of \$ **239,969** in an amount to be determined by the Department of Adult Probation and Parole. at a rate to be determined by the Department of Adult Probation and Parole

Enter, participate in, and complete any **mental health** program counseling, or treatment as directed by the Department of Adult Probation and Parole

Enter, participate in, and complete the **program** at

Participate in and complete any **educational**, and or **vocational training** as directed by the Department of Adult Probation and Parole, or with

Participate in and complete any **training** as directed by the Department of Adult Probation and Parole, or with

Submit person, residence, and vehicle to search and seizure for the detection of drugs

Submit to drug testing

Not associate with anyone who illegally uses, sells, or otherwise distributes narcotics or drugs

Not frequent any place where drugs are used, sold, or otherwise distributed illegally

Not use or possess non-prescribed controlled substances

Refrain from the use of alcoholic beverages

Submit to testing for alcohol use

Take antabuse **as directed by the Department of Adult Probation and Parole**

Obtain and maintain full-time employment

Maintain full-time employment

Obtain and maintain full-time employment or full-time schooling

Maintain full-time employment or obtain and maintain full-time schooling

Defendant is to have no contact nor associate with

Defendant's probation may be transferred to **under the Interstate Compact as approved by the Department of Adult Probation and Parole**

Complete **500 hours of community service restitution as directed by the Department of Adult Probation and Parole, within 12 months of release of jail.**

Complete **hours of community service restitution in lieu of days in jail**

Defendant is to commit no crimes

Defendant is ordered to appear before this Court on **for a review of this sentence.**

Defendant to be supervised by I.S.P. with electronic monitoring

Defendant to attend cognitive restructuring classes and time management.

Defendant to report to Day Reporting Center

Defendant is not to associate with known gang members

Court imposes special conditions of probation for gangs

DATED this 25 day of August 19 97




The seal of the State of Utah, District Court, featuring a circular design with the state name and "DISTRICT COURT" text.

SPECIAL CONDITIONS OF PROBATION for GANGS

TBM
The defendant shall not associate with any known gang member, specifically individuals affiliated with the ~~gangs~~ designated by my probation officer *Straight Edge Vegans, A.D.F.*

B.M. The defendant shall not wear, display, use, or possess any insignias, emblems, belt buckles, jewelry, caps, hats, jackets, or shoes/shoe laces which are associated with a specific gang(s), any scarves/bandanas, shirts inscribed "In Memory of" a deceased or incarcerated gang member, or other articles of clothing modified to represent a particular gang(s).

TBM The defendant shall not display any gang signs, gestures, or any posturing associated with a specific gang(s).

TBM The defendant shall not have in his possession any written materials, documents or photographs which give evidence of gang involvement or activity such as membership or enemy lists, articles which contain or have upon them gang-associated graffiti, drawings or lettering, photographs or newspaper clippings of gang members, gang crimes or activities including obituaries, or photographs of himself in gang clothing, demonstrating hand signs or holding weapons;

TBM The defendant shall not have in his possession or under his control spray paint, spray cans/tins, large marking pens, or other items commonly used to create graffiti, or "tagger" magazines;

B.M. The defendant shall not frequent places where known gang members congregate, or locations specifically delineated by his probation officer (i.e.: dance clubs);

TBM The defendant shall not appear in court, or at a courts building, unless a party to proceedings in that court;

TBM 3. The defendant shall not visit or frequent any school ground, unless he is a student registered at that school and present during appropriate class hours;

4. The defendant shall not be an occupant in any stolen vehicle, or vehicle he should have known was stolen;

TBM 10. The defendant shall not have in his possession, in his custody, under his control, in a vehicle in which he is a passenger, or on the premises where he resides, any firearm or replica thereof, ammunition, or dangerous weapon (any item which, in the manner of its use or intended use is capable of causing death or serious bodily injury); further, Not associate with, or be in the company of, any individual who has firearms or dangerous weapons in their possession or under their control: *any incendiary device or materials including molotov or fireworks*

11. The defendant shall not be involved in activities in which, or frequent places at which, firearms or dangerous weapons are used, legally or otherwise, including but not limited to hunting or target shooting;

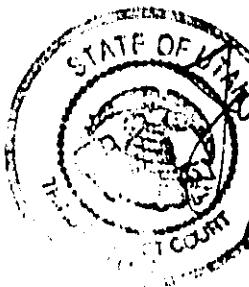
12. The defendant shall not be in possession of any beeper or paging device, except in the course of lawful employment;

13. The defendant shall obtain, and carry on his person at all times, a valid Utah Driver License, Utah Identification Card or other approved photo identification;

14. If when contacted by law enforcement, the defendant shall provide his true name, place of residence (street address, not P.O. Box), and date of birth, and inform the officer(s) of his probation status; he shall report such contact to his probation officer within 48 hours, including the date and nature of the contact, the law enforcement agency and any potential charges;

15. The defendant shall be at his residence of record between the hours specified by his probation officer (example: 8:00 p.m. to 6:00 a.m... unless otherwise authorized, i.e. for verified employment or education);

16. The defendant shall earn a GED and/or high school diploma or complete vocational training or an apprenticeship program, as directed by his probation officer.
- ~~17.~~ ^{500 hr} The defendant shall complete 200 hours of community service removing graffiti, or as otherwise directed by his probation officer.
- ~~18.~~ The defendant shall enter into, participate in and complete treatment, counseling or therapy as directed by his probation officer.



Judge Tyree E. Medley
Aug. 25, 1997.